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*Best Sunshine International Ltd.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

Imperial Pacific International (CNMI) LLC,  
Best Sunshine International Ltd.;

Plaintiffs,

Vs.

Commonwealth of the Northern Mariana  
Islands, Commonwealth Casino  
Commission, Edward C. Deleon Guerrero,  
Chairman of CCC, in his official and  
personal capacities; Rafael S. Demapan,  
Vice Chairman of CCC, in his official and  
personal capacities; Mariano Taitano,  
Commissioner of CCC, in his official and  
personal capacities; and Does 1-5, all  
inclusive;

Defendants.

Case No. 24-cv-00002

**RESPONSE TO MOTION TO  
DISMISS BY DEFENDANT ANDREW  
YEOM**

Judge: Hon. David o. Carter

**STATEMENT OF RELEVANT FACTS**

On February 23, 2024, Plaintiff IPI filed the Complaint in the above captioned case. (ECF No. 1).

On April 25, 2024, Defendant Andrew Yeom filed a motion to dismiss under 12(b) (1) and (6). (ECF No. 24).

On May 9, 2024, Plaintiff IPI amended the Complaint (FAC) in the above captioned case for the first time. (ECF No. 26).

The FAC dismissed Defendant Andrew Yeom as a defendant from the above captioned case.

**APPLICABLE RULES**

Under Federal Rules of Civil Procedure, a party may “amend its pleading once as a matter of course” “21 days after service of a motion under Rule 12(b), (e), or (f).” Fed. R. Civ. P. 15(a)(1)(B).

“It is well-established in [the Ninth Circuit] that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’” *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), *overruled on other grounds*, *Lacey v. Maricopa County*, 693 F.3d 896, 927-28 (9th Cir. 2012)) (citing *Valadez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011)). “In other words, ‘the original pleading no longer performs any function....’” *Id.* (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)).

**CONCLUSION**

The FAC filed by IPI superseded its Complaint, and the FAC dismisses Defendant Andrew Yeom as a defendant in the FAC. The motion to dismiss filed by Defendant Andrew Yeom is moot.

1 Dated: May 8, 2024  
2 Saipan, CNMI

Respectfully submitted,

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16 (CNMI), LLC; and BEST SUNSHINE  
17 INTERNATIONAL LTD.  
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